

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Angelica
- Town
- Village

Local Law No. 1 of the year 2006

A local law Providing for the Use and Maintenance of the Village
(Insert Title)
of Angelica Water System

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
- City of Angelica as follows
- Town
- Village

VILLAGE OF ANGELICA WATER USE LAW

- ARTICLE 1. Applicability.
- ARTICLE 2. Application for service.
- ARTICLE 3. Attachments and connections by unauthorized persons prohibited.
- ARTICLE 4. Connections to water mains.
- ARTICLE 5. Curb stops.
- ARTICLE 6. Service pipe and connections.
- ARTICLE 7. Protection of service pipe.
- ARTICLE 8. Meters.
- ARTICLE 9. Meter repairs.
- ARTICLE 10. Meters for construction purposes.
- ARTICLE 11. Access to premises.
- ARTICLE 12. Shutting off water.
- ARTICLE 13. Change in pressure.

(1)

ARTICLE 14. Connection with other water supplies.

ARTICLE 15. Wasting water prohibited.

ARTICLE 16. Vacation of premises.

ARTICLE 17. Damage to water facilities.

ARTICLE 18. Control of hydrants.

ARTICLE 19. Damage to hydrants.

ARTICLE 20. Use of hydrants.

ARTICLE 21. Opening and closing of valves restricted.

ARTICLE 22. Sale of water by consumer prohibited.

ARTICLE 23. Sale of water outside of district restricted.

ARTICLE 24. Connection between water systems.

ARTICLE 25. Water rates.

ARTICLE 26. Bills.

ARTICLE 27. Unpaid charges.

ARTICLE 28. Water Sources in the Village.

ARTICLE 29. Penalties for offenses.

PENDIX A. Fee Schedule (to be amended from time to time).

ARTICLE 1. Applicability.

The following rules and regulations shall apply to any person, corporation or institution whose property shall be supplied with water by the Village Water District.

ARTICLE 2. Application for service.

The property owner or his duly authorized agent must make application for water service at the office of the Village Clerk. A drawing showing, as a minimum, location of the premise, street right-of-way, structures to be served and existing utilities shall accompany each application. The applicant shall pay the Village *the meter fee* and connection charge in full. *Applications for water service outside the Village will be accepted but may not be approved. Outside service shall be at such premium as the Village may from time to time fix.*

ARTICLE 3. Attachments and connections by unauthorized persons prohibited.

No unauthorized person shall make any attachments, additions, alterations or connections to the water mains of the Water District.

ARTICLE 4. Connection to water mains.

Each lot shall have a separate water service connection. All service connections to the water mains and service pipes from said mains to approximately two (2) feet from the lot line or designated right of way, including tapping of the main, corporation stop, service pipe and curb stop and box, shall be installed only by properly authorized persons acting under the direction of the Village Board or its designated representative. All costs, labor and expense incident to the installation of the water service shall be paid by the developer or the contractor.

(1-A)

ARTICLE 5. Curb stops.

Each water service shall be provided with a curb stop which shall be protected by a cast-iron curb box leading from the curb stop to the surface of the ground and covered with an iron cover with the letters WATER thereon and so exposed as to be easily found. The curb box must not be covered and shall always be accessible. No plumber or person other than a District employee is permitted to turn water on or off at the curb stop or valve unless written permission has been given by the Water District, nor shall any person tamper with or use the curb stop or valve for any purpose whatsoever except on such permission.

ARTICLE 6. Service pipe and connections.

- A. All connections from the curb stop to the meter location shall be made by the customer at the customer's own expense. All installations shall be subject to the approval of the Water District.
- B. All service pipe connections made to the mains shall be Type K copper tubing with compression-type fittings. Residential service pipes shall not be smaller than three-quarters (3/4) inch in diameter.
- C. The use of bushings is prohibited. When it is necessary to reduce pipe sizes, reducing couplings must be used.
- D. All service pipes from the curb stop to the building must be at a depth of not less than four and one-half (4-1/2) feet below the finished grade and laid in a straight line at right angles to the curbline.
- E. Service pipe should not be in the same trench as the sewer pipe.
- F. No connections are permitted to a service pipe between the water main in the street and the meter.
- G. A shut off valve must be placed in every service line immediately inside the building wall and so situated that the water to the premises can be completely shut off, draining the meter and system to prevent freezing when not in use.
- H. Every service pipe, whether in a trench or a building, must be inspected by the Water District before it is covered or concealed. Upon acceptance of the installation by the Water District, the service may be covered.

ARTICLE 7. Protection of service pipe.

The owner of the property into which water is introduced by a service pipe will be required to maintain in perfect order, at the owner's expense said pipe from the curb stop to the meter on or for the owner's premises, including all fixtures therein provided for delivering or supplying water for any purpose. In cases where such services and fixtures are not kept in repair, the Water District may make all necessary repairs and replacement of parts. The expense of such work and all materials and labor required shall be paid by the property owner.

ARTICLE 8. Meters.

- A. All water furnished through service pipes shall be metered. No meters, after being set, shall be removed, tampered with or disturbed except by the Water District. All meters shall be furnished by the Water District after payment of the meter fee and the connection charge. The Water District shall approve the location of the meter.
- B. The size of the meter for any water service shall be determined by the Water District after determining the anticipated water use.
- C. If, in the judgment of the District, local conditions require it, the meter will be set outside the building in a special box to be provided for that purpose, but the cost of such installation shall be paid by the property owner. The special covered box must be a minimum of four and one-half (4-1/2) feet deep by twenty (20) inches inside dimensions.
- D. The Water District is the owner of all meters. The District will, however, exchange said meters in good working order for one which has become defective or inaccurate free of charge, provided that such defect or inaccuracy is not due to the fault, negligence or carelessness of the owner or occupants of the premises or guests present therein. Meters shall be sealed and shall be subject to the exclusive control and jurisdiction of the Water District.
- E. Meters shall be kept accessible to District personnel. The District at its option may install outside readers at owners expense. The owner or occupants of the premises shall not store or accumulate household materials on or immediately adjacent to the water meter.

(1-B)

ARTICLE 9. Meter repairs.

A. The Water District shall make repairs to all meters and all persons other than District employees are prohibited from removing the meter or tampering with it in any way. Repairs made necessary by the carelessness or negligence of the owner or occupants of the premises shall be charged for by the Village at prevailing rates to the owner. Other repairs to meters shall be made without charge.

ARTICLE 10. Meter for construction purposes.

Water meters for construction purposes shall be set by the District at the expense of the contractor or person making such application therefor. In case it is impractical to place meters for such construction purposes, water may be supplied to the contractor or owner at a flat rate.

ARTICLE 11. Access to premises.

Village officials or employees of the Water District, upon presentation of proper credentials, may enter upon any premises where water is being supplied by the Water District or upon any premises when application is made to connect a water service for the purpose of reading, removing or repairing meters or for inspecting the plumbing and fixtures of the water services. Village officials or employees of the Water District may also apply to the Town of Angelica Justice Court or other court of competent jurisdiction for a warrant or court order granting access to private premises upon a showing of reasonable cause to believe that there is a malfunction or misuse of the water system taking place on those premises.

ARTICLE 12. Shutting off water.

The Water District reserves the right to shut off water in the case of fire or constructing new work or in making repairs or leakage tests. The right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary. The District, its employees or the Village shall not be liable for any damage which may result to any person, property or premises from the shutting off of the water from any main or service for any purpose whatever, even in cases where no notice is given.

ARTICLE 13. Change in pressure.

The Water District shall not be liable for any direct, indirect or consequential damage or loss of any kind to property or persons which may arise from or be caused by any change, either increase or decrease, in pressure of water supplies from unexpected water main breaks or emergency fire fighting flows.

ARTICLE 14. Connection with other water supplies.

No connection between the Village water supply and any other water supply will be allowed except by special permission from the Water District. In case permission is granted, it will be only under the strictest precautions against possible contamination of the Village water supply by the use of double-check valves or backflow preventers installed according to instruction from the Water District and in accordance with the Department of Health.

ARTICLE 15. Wasting water prohibited.

No person shall be permitted for any reason to waste water. In case any person deliberately, intentionally or unnecessarily wastes or allows any water to be wasted upon the owner's premises, whether such water is paid for by meter or not, the water to the premises shall be shut off by the District without notice.

ARTICLE 16. Vacation of premises.

Consumers vacating premises having water service must promptly notify the District that the water may be shut off and the meter read. Such consumers and the owners of the premises will be held responsible for the full minimum water rent until such notice is given.

ARTICLE 17. Damage to water facilities.

Any person responsible for any injury to any water main, pipe, valve, hydrant or other water facility shall reimburse the District for the damages and for the loss of water caused thereby. Said person shall also be responsible for any damage caused by such escaping water.

ARTICLE 18. Control of hydrants.

- A. All street or road fire hydrants or hydrants for private fire protection from unrestricted service lines are under the control of the Water District. No person, except an authorized agent or employee of the District or a person permitted by the Village Board to take therefrom, shall operate, use or disturb any hydrant or any part thereof or take any water therefrom under any circumstances whatever, except fire companies for use to control, prevent or extinguish fires.
- B. Fire tankers may be filled without permission during a fire emergency. The Water District shall be notified of said use the next scheduled District working day.
- C. Fire practice sessions shall give the District advance notice and receive written District permission for hydrant use.

ARTICLE 19. Damage to hydrants.

In case any damage to a street or road hydrant is done by any person or said person's agent having a permit for taking water from said hydrant, the holder of the permit shall pay such damages and all costs and expenses that may be occurred by reason thereof, on demand, to the Water District, including loss of water.

ARTICLE 20. Use of hydrants.

No person shall use any fire hydrant for construction or other purposes without first obtaining permission for such use from the Water District. The hydrant shall be operated only by a proper hydrant wrench, which shall be obtained from the District. Water must not be allowed to run except when being used. All persons using hydrants shall immediately obey any instructions or orders that may be issued by the Village Board to regulate the use of these hydrants. If required by the Village Board, a meter shall be applied to the connection made with the hydrant at the expense of the party using the same, and said party shall pay for all water by meter measurement or bulk rate.

ARTICLE 21. Opening and closing valves restricted.

No person except a duly authorized representative of the Water District shall open, close or in any way interfere with any valve or gate in any water main or pipe. Any person who has disturbed or displaced a valve box or who has covered a valve box with dirt, paving, plank or other material shall immediately replace the valve box or remove the obstruction.

ARTICLE 22. Sale of water by consumer prohibited.

No consumer within the Water District shall sell water to anyone for any purpose whatever.

ARTICLE 23. Sale of water outside of District restricted.

No water through any connection, pipe or main shall be sold or furnished outside the Water District without consent, in writing, of a duly authorized agent for the Village Board after action of the Village Board.

ARTICLE 24. Connection between water systems.

No connection of whatsoever nature shall be made by any person between the facilities of said Water District and any other water system, public or private, without the consent, in writing, of a duly authorized agent for the Village Board after action of the Village Board.

ARTICLE 25. Water rates.

A. Generally, all water consumed shall be recorded and paid for by meter registration or at rates to be fixed by the Village Board. Such rates may from time to time be changed by resolution as the Village Board may determine. Water rates for turning on and off, meter fees and taking meters in and out, outside sprinkler and hydrant fees and new service line fees will be on file in the Village Clerk's office.

B. There will be a connection fee for every water use or service.

C. There will be a Basic charge for water.

D. There will be a fee for the actual usage consumed or metered. This figure will be calculated by multiplying the Village Board's set rate per thousand gallons or cubic feet by the actual or calculated usage.

(1-D)

ARTICLE 26. Bills.

A. Bills for metered water shall be payable monthly, and in each instance meter bills, if not paid by the end of the month, shall be increased as a penalty for failure to pay promptly. Failure to receive a bill shall not act as a waiver of said penalty. In case of inability to read a meter, an estimated bill will be submitted to the consumer. A 2% penalty is added to unpaid bills not paid by end of month. Termination notices are also sent out for accounts that are unpaid 60 days from the bill date. The Village Board may, by resolution, authorize the discontinuance of water service to any customer who is more than sixty (60) days in arrears with respect to payment of water charges, including penalties. The Village Board shall, in making such a determination, consider the payment history of such customer, any factor tending to indicate the likelihood of payment or nonpayment, the amount of water usage or any other factor relevant to the issue.

B. No service shall be discontinued hereunder until written notice, sent by registered or certified mail, return receipt requested, to the customer at the customer's last known address and advising the customer that water service will be discontinued at a specific time and date not less than five (5) days from the date of the mailing unless full payment is received prior to such specified time and date, shall have been given.

C. Any customer whose service has been discontinued for nonpayment may have water service reinstated upon the payment of all past due amounts and a reinstatement fee is determined from time to time by resolution of the Village Board.

D. Partial payment will be accepted of water meter monthly bills until balance is (60) days in arrears, then the Village shall accept payment of the full amount of the total bill then due, even though it does not include payment of a late penalty then due, and the unpaid late penalty shall be added to the next monthly bill for said account.

Article 27. Unpaid charges.

All charges for water, service pipe installation, repairs, damages caused by carelessness or neglect, penalties, etc. shall be made against the premises supplied, and the owner of the premises shall be held responsible therefor. Such charges, if not paid, shall be a lien on the property benefitted. All such unpaid charges shall be added to the next general tax against the property.

ARTICLE 28. Water Sources in the Village.

No person shall within the Village for any reason without prior written consent of a duly authorized agent of the Village Board after authorization of such action by the Village Board of Trustees:

1. Drill a well;
2. Construct or develop and spring;
3. Develop any other water source; or
4. Use any other source of potable or non-potable water, except for incidental use of bottled water.

ARTICLE 29. Penalties for offenses.

Any person found to be violating any provision of this law shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation. Failure to cease all such activities within the time prescribed in said notice shall be a violation, punishable by a maximum fine of two hundred fifty (\$250) or imprisonment for not more than fifteen (15) days, or both.

VILLAGE OF ANGELICA
WATER RULES & REGULATIONS
APPENDIX A – FEE SCHEDULE

1. **RETAIL SERVICE**

Residential – Billed Monthly

Base charge per unit	\$25.00
Charge per 1,000 gallons	\$ 5.75
Users Outside Village limits (<i>50% over base charge</i>)	<u>\$28.00</u>

2. **HYDRANTS**

Hydrant Installation *At Cost*

3. **SERVICE CONNECTION CHARGE**

All connections	¾" \$ 650.00
	1" \$ 950.00
	2" \$1750.00

Service connection charges include a maximum of fifty (50) feet of service line. Any Village installed service line installed past fifty (50) feet shall be billed at the Village's cost of construction, including cost of material and the going hourly rates for labor and equipment.

4. **FIELD SERVICE CHARGES**

A. **METER TEST – CUSTOMER REQUEST** *At Cost*

B. **SERVICE SHUT OFF AND/OR METER REMOVAL**

Meter Removal – Seasonal	\$ <u>20.00</u>
Meter Set	\$ <u>20.00</u>
Service On/Off – Non Payment	\$ <u>20.00</u>
Service On/Off – Seasonal	\$ <u>10.00</u>

C. **REPLACEMENT OF FROZEN METER** *At Cost*

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2006 of the ~~(County)(City)(Town)(Village)~~ of Angelica was duly passed by the Board of Trustees on December 18, 2006, in accordance with the applicable provisions of law.
(Name of Legislative body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative body) (repassed after disapproval) by the _____ and was deemed duly (Elective Chief Executive Officer*) adopted on 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on 20____, and was (approved)(not approved) (Name of Legislative body) (repassed after disapproval) by the _____ on 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on 20____, and was (approved)(not approved) (Name of Legislative body) (repassed after disapproval) by the _____ on 20____. Such local (Elective Chief Executive Officer*) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Karen E. Herdman

~~Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body~~ **Karen Herdman**

Date: 1/2/07

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALLEGANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

David T. Puller

Signature

VILLAGE ATTORNEY

Title

County

City

of ANGELICA

Town

Village

Date: 1/3/07